

Express Mail No.: ED 572755733  
Date of Deposit: February 7, 2005

Attorney Docket No. Cura 121

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Burgess  
SERIAL NUMBER: 09/746,491 EXAMINER: Michael D Pak  
FILING DATE: December 20, 2000 ART UNIT: 1646  
FOR: NOVEL PROTEINS AND NUCLEIC ACIDS ENCODING SAME

Attention: Office of Petitions  
MAIL STOP PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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OFFICE OF PETITIONS

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137 (b)

The above-identified application became abandoned for failure to file a timely and proper reply to an action by the United States Patent and Trademark Office. Pursuant to 37 C.F.R. § 1.136(a), applicants hereby petition for revival of the above-identified application. The Director is hereby authorized to charge the small entity petition fee of \$750.00 (37 CFR 1.17(m)) to Deposit Account Number 502648 Reference No. Cura 121. Applicants claim small entity status (37 CFR 1.27).

A reply to an Office Action dated September 24, 2003 was due November 24, 2003, with a two month extension of time. An Amendment and Response and a Petition for Extension of Time for two months were timely filed on November 24, 2003, copies of the response and mailing certificate are enclosed herewith. A Notice of Abandonment was mailed June 25, 2004.

The entire delay in filing this response from the date of the Notice of Abandonment until filing of a grantable petition under 37 CFR 1.137(b) was unintentional. Responsibility for prosecution of this application has been recently transferred to the undersigned as evidenced by the enclosed Revocation and Power of Attorney. Upon review of the file, it was discovered that apparently the response to the Office Action had not been received by the Office or not made of record and the application went abandoned.

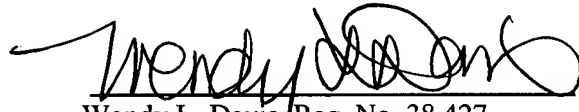
Since this utility application was filed on or after June 8, 1995 it is believed that no terminal disclaimer is required.

02/10/2005 HDEMESS1 00000074 502648 09746491

01 FC:2453 750.00 DA  
05/27/2007 CKHLOX  
00000074 502648 09746491  
750.00 DR

Applicants:  
U.S.S.N.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wendy L. Davis", written over a horizontal line.

Wendy L. Davis, Reg. No. 38,427  
Agent for Applicants  
CuraGen Corporation  
555 Long Wharf Drive  
New Haven, CT 06511  
Tel: (203) 974-6310  
Fax: (203) 401-3351

Dated: February 7, 2005




Serial No. 09/746,491 File No. 15966-621 (Cura 121) IRE/KEK  
Title: Novel Proteins and Nucleic Acids Encoding Same  
Application of Burgess Date: December 20, 2000

The U.S. PTO Mail Room acknowledges receipt of the following on the date stamped hereon:

- ☐ Req. for CPA under 37 CFR 1.53(d)
- ☐ Change of Attorney's Address
- ☐ New Power of Attorney
- ☐ Patent Application
- ☐ Non-provisional ☐ Provisional
- ☐ (pgs) Specification, Inc. (pgs) Abstract, (pgs) Claims ( # claims)
- ☐ Design Patent Application
- ☐ Declaration(s)
- ☐ Drawings ( sheet(s) (FIGS. )
- ☐ Formal ☐ Internal
- ☐ Verified Statement claiming small entity status
- ☐ Assignment and Cover Sheet
- ☐ Provisional Application Cover Sheet
- ☐ Inf. Disc. Statement, PTO Form 1449
- ☐ References Cited
- ☐ Copy of Notice to File Missing Parts
- ☒ Amendment/Response to RR (3pgs)
- ☒ Petition for Ext. of Time (x2)
- ☒ Issue Fee Transmittal
- ☐ Letter to Official Draftsperson
- ☐ Notice of Appeal
- ☐ Brief (x3)
- ☒ Check for \$ 55.00 Check # 17613
- ☒ Transmittal Letter (x2)
- ☐ Cert. of Mailing under 37 CFR 1.8(a)
- ☒ Express Mail Label No. EV 328187445 US

☐ Other \_\_\_\_\_  
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DATE MAILED November 24, 2003

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MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO PC ONE FINANCIAL CENTER BOSTON, MA 02111		
PAY TO THE ORDER OF	COMMISSIONER OF PATENTS AND TRADEMARKS	DATE <u>Nov 24 2003</u> \$ <u>55.00</u> DOLLARS 
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017613 00545 850251		

0001 1000 5:02 1:

**Smith, Andrea**

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**From:** U.S.\_Postal\_Service\_[U.S.\_Postal\_Service@usps.com]  
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Arrival at Unit	DULLES VA 20102	11/26/03 6:29am
Enroute	DULLES VA 20102	11/25/03 3:01pm
Acceptance	BOSTON MA 02205	11/24/03 8:20pm

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